



RCE
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**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. §132, effective May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).

| | |
|-----------------------|------------------|
| Application No.: | 09/771,595 |
| Filing Date: | January 30, 2001 |
| First Named Inventor: | HÖSSEL et al. |
| Confirmation No.: | 8957 |
| Group Art Unit: | 1616 |
| Examiner: | Marina LAMM |
| Docket No.: | PF ++51186 |

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

NOTE: 37 C.F.R. §1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. §1.53(d) (PTO/SB/29) instead of an RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. §1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. §116 previously filed on _____.
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief and/or Reply Brief previously filed on _____.
- iii. ☐ Other _____.
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☒ Other Preliminary Remarks

2. Miscellaneous

- a. ☒ Suspension of action on the above-identified application is requested under 37 C.F.R. §1.103(c) for a period of -3- months. (Period of suspension shall not exceed 3 months. Fee under 37 C.F.R. §1.17(i) required)
- b. ☐ Other _____.

3. Fees The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. §1.114 when the RCE is filed.

- a. ☒ The following fees are paid by credit card (Form PTO-2038 enclosed):
- i. ☒ RCE fee required under 37 C.F.R. §1.17(e) (\$790.00)
- ii. ☒ Extension of time fee (37 C.F.R. §§1.136 and 1.17) (\$450.00)
- iii. ☐ Suspension of action fee (37 C.F.R. §§1.103 and 1.17(i))
- iv. ☐ Other _____.
- b. ☐ Check in the amount of \$ -/- enclosed to cover the following fees:
- i. ☐ RCE fee required under 37 C.F.R. §1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§1.136 and 1.17)
- iii. ☐ Suspension of action fee (37 C.F.R. §§1.103 and 1.17(i))
- iv. ☐ Other _____.
- c. ☒ The Director is hereby authorized to charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, or credit any overpayments, to Deposit Account No. 14.1437.

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED | | | |
|---|-----------------|-------------------|----------------|
| NAME (PRINT/TYPE) | Jason D. Voight | REGISTRATION No.: | 42,205 |
| SIGNATURE | | DATE: | March 15, 2005 |

| CERTIFICATE OF MAILING OR TRANSMISSION | | | |
|---|-------------|-------|----------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Alexandria, Va 22313-1450, on: | | | |
| NAME (PRINT/TYPE) | Sabine Berg | DATE: | March 15, 2005 |
| SIGNATURE | | | |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



IN RE APPLICATION

MAIL STOP:

RCE

OF: HÖSSEL ET AL.

CONFIRMATION No.: 8957

SERIAL No. 09/771,595

GROUP ART UNIT: 1616

FILED: JANUARY 30, 2001

EXAMINER: MARINA LAMM

FOR: COSMETIC OR DERMATOLOGICAL SUNSCREEN PREPARATIONS

Honorable Commissioner
for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION
PRELIMINARY SUBMISSION

Sir:

This is a Request for Continued Examination pursuant to 37 C.F.R. §1.114 which is filed in response to the final Office action of October 15, 2004. For further prosecution, kindly enter and consider the following preliminary remarks and the enclosed Information Disclosure Statement:

PRELIMINARY REMARKS

Claims 1 to 4 and 9 to 19 as presented with applicants' request for continued examination dated November 06, 2003, are currently pending in this case.

The Examiner maintained the rejection of Claims 1 to 4 and 9 to 19 under 35 U.S.C. §103(a) as being unpatentable in light of the teaching of *Dieing et al.* (US 893 117) in view of the disclosure of *Tanner et al.* (US 5,827,508) and of *George et al.* (US 6,165,449).

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